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FM AMEMBASSY KATHMANDU  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 0069  
INFO RUEHBJ/AMEMBASSY BEIJING PRIORITY 6913  
RUEHLM/AMEMBASSY COLOMBO PRIORITY 7230  
RUEHKA/AMEMBASSY DHAKA PRIORITY 2552  
RUEHIL/AMEMBASSY ISLAMABAD PRIORITY 5274  
RUEHLO/AMEMBASSY LONDON PRIORITY 6423  
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 2980  
RUEHCI/AMCONSUL KOLKATA PRIORITY 4565  
RUEHGV/USMISSION GENEVA PRIORITY 2290  
RUCNDT/USMISSION USUN NEW YORK PRIORITY 3484  
RUEKJCS/SECDEF WASHDC PRIORITY  
RHMFISS/CDR USPACOM HONOLULU HI PRIORITY  
RUEAIIA/CIA WASHDC PRIORITY  
RHEHNSC/NSC WASHDC PRIORITY  
RHEFDIA/DIA WASHDC PRIORITY

C O N F I D E N T I A L SECTION 01 OF 02 KATHMANDU 000325

SIPDIS

E.O. 12958: DECL: 04/20/2019  
TAGS: [PGOV](#) [MARR](#) [PREL](#) [PTER](#) [NP](#)  
SUBJECT: NEPAL: ARMY CHIEF RESPONDS TO CHARGES, NO  
GOVERNMENT DECISION YET

REF: KATHMANDU 320

Classified By: Ambassador Nancy J. Powell. Reasons 1.4 (b/d)

Summary  
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1. (C) Early on April 21, Chief of Army Staff General Rookmangud Katawal provided a written response to the letter he received a day earlier from the cabinet requiring him to explain his alleged acts in violation of government directives and law on three issues. His response addressed the issues of Nepal Army (NA) recruitment, the brigadier generals' continued reporting to duty and the NA's withdrawal from the National Games. At the outset, his "clarification" argued that the President was the only one with legal authority to remove him. At close of business April 21, the cabinet had not yet met to review Katawal's response. Most of the parties mobilized April 21 under the opposition Nepali Congress's leadership to oppose his removal and consultations have taken place or are talking place involving various key figures, including the President, the Prime Minister and Indian Ambassador Sood. If Katawal is removed, his current deputy, Lt. General Kul Khadka, Chief of Staff, is next in line.

Katawal Responds  
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2. (C) Chief of Army Staff (COAS) General Rookmangud Katawal had his aide deliver a detailed response by 10 a.m. April 21 to the cabinet secretary and the Defense Ministry to the letter he received a day earlier from the cabinet requiring him to explain his alleged acts in violation of government directives (reftel). He was required to respond within 24 hours. His four-point response reaffirms his and the Nepal Army's commitment to the Interim Constitution, laws and directives, and his respect for civilian authority. His "clarification" on the recruitment issue claims that the recruitment was authorized, notified to the Defense Ministry and is now the subject of a pending Supreme Court case. With respect to the brigadier generals' continued reporting to duty, his response also cites the pending Supreme Court case as a reason why his actions should not be considered unlawful. On the issue of withdrawal from the National Games, Katawal attributes the decision primarily to the Nepal Army's sports club, and not to any command decision.

## President Not Cabinet Has Final Say

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¶3. (C) The COAS argues in his response that since, under the Interim Constitution, it is the President who appoints the COAS and who controls, mobilizes and manages the Nepal Army (NA), on the recommendation of the cabinet, it is the President who has the final say on his removal. Katawal also makes the case that his removal is governed by the old Army Act, not the new one from 2006 which the cabinet cited, since he was appointed under the old Army Act. (Comment: This legal argument strikes us as a weak one; it is our understanding that the President must, in practice, carry out whatever the cabinet recommends.)

## Cabinet Yet To Meet

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¶4. (C) At close of business on April 21, the cabinet had yet to meet. Meanwhile, 21 of the 24 parties in the Constituent Assembly, at a meeting called by the opposition Nepali Congress on April 21 issued a statement opposing Katawal's removal because of the threat it posed to Nepal's peace process. The parties -- which included the governing Communist Party of Nepal - United Marxist Leninist (UML), but not the Madhesi People's Rights Forum and another small Madhesi party in the coalition -- planned to raise their concerns with President Yadav. President Yadav encouraged Prime Minister Dahal when they met April 20 to work with the

KATHMANDU 00000325 002 OF 002

other parties to find a solution. They were reportedly planning to meet again April 21. Indian Ambassador Sood was also reportedly planning to see Dahal (for their second meeting in two days). If Katawal is removed, the next-in-line is his deputy, Lt. General Kul Khadka, Chief of Staff.

## Comment

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¶5. (C) With so many parties mobilizing to oppose the Maoist push to remove Army chief Katawal, including, it appears, a faction of the governing UML, the Maoists' freedom of maneuver is narrowing. The Maoists' senior committee, its 16-member Secretariat, reportedly affirmed its support April 21 for Katawal's removal, but the Maoists will have to consider opposition views before acting. Finding a face-saving solution that does not make the Maoists once again look weak vis-a-vis the Nepal Army will be difficult. Our message continues to be twofold: the Army must respect civilian control and the Nepali Government must exercise that control in a responsible way.

POWELL